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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,082	04/22/2004	Mario Campion		6029

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SUITE 1607
4050, ROSEMONT BLVD
MONTREAL, QC H1X1M4
CANADA

EXAMINER

JUBA JR, JOHN

ART UNIT PAPER NUMBER

2872

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,082

Applicant(s)

CAMPION, MARIO

Examiner

John Juba, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/25/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant Pro Sé

A closer examination of this application reveals that applicant has attempted to appoint an attorney or agent who is neither registered to practice before the U.S. Patent and Trademark Office in patent matters nor one of the named inventors in the application, contrary to the Code of Federal Regulations, 37 CFR 1.31 and 1.32. Therefore, the appointment is void, *ab initio*. We will not recognize the appointment and all correspondence concerning this application must be signed by: 1) all named applicants (inventors), 2) all the owners of the rights to the invention, or 3) a registered attorney or agent duly appointed by the inventor(s) or the owner(s). Furthermore, all communications from the Office will be addressed to the first named inventor, unless specific instructions to the contrary are supplied by the named applicant(s) for patent or owner(s).

Claim Objections

Claim 11 is objected to for the following informality. Appropriate correction is required.

Claim 11 attempts to define the scope of the claimed "frame structure" by reciting that it comprises a "frame structure", among other things. Thus, it appears that more than a frame structure is claimed. It is suggested that the claim could instead recite that the frame structure comprises a flexible, pliable frame *member*, with corresponding

changes made to the rest of the claim. For example, the “first end” would be “the first end of said frame member”, and so on.

Also in claim 11 (line 6) “said two bends in said frame structure bends along a “Z” like configuration” is not in noun-verb agreement. It should instead be recited “said two bends in said frame structure *bending* along a “Z” like configuration” or “*wherein* said two bends in said frame structure *bend* along a “Z” like configuration”, “*wherein* said two bends in said frame structure *are bent* along a “Z” like configuration”, “*wherein* said two bends *permit* said frame structure *to bend* along a “Z” like configuration”, or similarly.

In claim 11, at line 7, it is believed that, since the mirror may be attached to the second end *via* additional structure, such as a ball-and-socket joint, it would be more appropriate to recite “said mirror being adhesively attached *at* said second end.”

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 – 16 are indefinite for depending from a canceled claim (ultimately, from claim 1). Thus, it cannot be determined what additional limitations define the scope of these claims.

Should claim 12 be amended to depend from claim 11 (as it is believed was intended), then the claim would be confusing as to how the frame structure, recited in claim 11 as being pliable along two bends to obtain a given configuration, and the two bends in said frame structure bend along a “Z” like configuration, can at the same time

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bend "along a triangular configuration". This could be reconciled by amending claim 11 to recite that the two bends permit the frame structure to bend along a "Z" like configuration, and then by amending claim 12 to depend from claim 11 to further recite that the two bends permit the frame structure to be bent from the "Z" like configuration to a triangular configuration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. Patent number 4,793,701; of record), in view of Wang (U.S. Patent number 6,710,710; of record). Referring to the text and figures Brown discloses a frame structure to support a mirror inside a vehicle comprising:

a flexible, pliable [wire-]frame structure (18) having two opposite ends;
a first end having an adhesive substance (22) to adhere to part of a vehicle;
a second end onto which a mirror (16)(32) is attached by an attachment means (34);
said frame structure being pliable along two bends to obtain a given configuration;

said two bends in said frame structure bending along a "Z" like configuration (the configuration in Fig. 4 can be rotated between "S" like and "Z" like); and
said mirror being adhesively attached to the second end.

Thus, Brown discloses the invention substantially as claimed. However, Brown does not disclose the frame structure being adhered on a vehicle's door on the interior of said vehicle, as recited. [The body of the claim intrinsically sets forth all of the structural limitations, and the claim has been construed as requiring the frame structure *to be* attached, as recited.]

In the same field of endeavor, Wang teaches that prior art mirrors that provide a rear view for the driver only do not provide adequate protection of vehicle occupants as they exit the vehicle. In order to overcome this deficiency, Wang suggests providing a mirror frame attached at one end thereof to the interior of a vehicle door, and attached at the other end thereof to a mirror element (see *e.g.*, discussion of Figures 2A & 2B). Wang teaches that provision of a mirror at this location permits vehicle occupants to check for themselves when it is safe to exit the vehicle.

It would have been obvious to one of ordinary skill to mount the mirror of Brown on an interior surface of a vehicle's door, in the interest of permitting vehicle occupants to use the mirror to check for safe egress, as suggested by Wang. One of ordinary skill would have appreciated the many obvious advantages that would attend enhanced safety for vehicle occupants.

With regard to claim 12, it is believed the frame structure of Brown is inherently capable of being bent from the "Z" like configuration to a triangular configuration wherein the two ends meet.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamatsu (JP 55-124102 A; previously identified as "Yoshiro"), in view of Brown (U.S. Patent number 4,793,701), and Wang (U.S. Patent number 6,710,710). Referring to the figures and English-language translation (PTO: 2005-3532), Nakamatsu discloses a frame structure to support a mirror inside a vehicle comprising:

- a flexible, pliable frame structure (2) having two opposite ends;
- a first end having an adhesive substance (3) to adhere to part of a vehicle;
- a second end onto which a mirror (1) is attached by some means;
- said frame being pliable along two bends to obtain a given configuration; and
- said two bends in said frame structure bending along a "Z" like configuration (e.g., Fig. 4).

It is clear that since the attaching angles of the mirror is regulated after attachment, the frame member is being bent, and the frame structure must be regarded as being flexible and pliable within the specificity recited. Thus, Nakamatsu discloses the invention substantially as claimed. However, Nakamatsu does not disclose the mirror as being adhesively attached to one end of the frame structure, or disclose the frame structure being adhered on a vehicle's door on the interior of said vehicle, as recited.

In the same field of endeavor, Brown discloses a similar mirror frame and discloses that the mirror is attached to the frame with an adhesive. That is, Brown teaches adhesive as a means of securely attaching a mirror to a frame structure subject to bending and operation in an automotive environment.

It would have been obvious to one of ordinary skill to adhesively attach the mirror of Nakamatsu to the frame structure using adhesive, since Brown suggests that adhesive is an attachment means suited for attaching a mirror to a frame structure when the combination is to be used in automotive applications.

Thus, Nakamatsu and Brown fairly suggest the invention substantially as claimed. However, these references do not disclose the frame structure being adhered on a vehicle's door on the interior of said vehicle, as recited.

In the same field of endeavor, Wang teaches that prior art mirrors that provide a rear view for the driver only do not provide adequate protection of vehicle occupants as they exit the vehicle. In order to overcome this deficiency, Wang suggests providing a mirror frame attached at one end thereof to the interior of a vehicle door, and attached at the other end thereof to a mirror element (see *e.g.*, discussion of Figures 2A & 2B). Wang teaches that provision of a mirror at this location permits vehicle occupants to check for themselves when it is safe to exit the vehicle.

It would have been obvious to one of ordinary skill to mount the mirror of Nakamatsu (as modified in view of Brown) on an interior surface of a vehicle's door, in the interest of permitting vehicle occupants to use the mirror to check for safe egress,

as suggested by Wang. One of ordinary skill would have appreciated the many obvious advantages that would attend enhanced safety for vehicle occupants.

With regard to claim 12, it is believed the modified frame structure of Nakamatsu is inherently capable of being bent from the "Z" like configuration to a triangular configuration wherein the two ends meet.

To the extent that their scope may be understood, claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamatsu, Brown, and Wang, as applied above, and further in view of Shutt (U.S. Patent number 3,989,359; of record) and DiSalvatore (U.S. Patent number 4,941,638; of record). As set forth above for claim 11, Nakamatsu, Brown, and Wang fairly suggest the invention substantially as claimed. However, these references do not disclose the frame structure wherein the mirror is attached to the second end by way of a ball joint receptacle extending from the second end of the frame structure and cooperating with a ball joint situated at the back of the mirror, wherein the mirror is adhesively attached at the second end of the frame structure.

Shutt discloses a flexible, pliable frame (15) having a mirror connected by way of ball joint receptacle on a second end of the pliable frame and cooperating with a ball joint that may be attached to the back of the mirror (11) [Col. 2, lines 28 – 38]. Shutt teaches that while the flexible, pliable frame may be bent to accommodate a variety of installations, the ball-and-socket connection provides "total adjustability" of the mirror (11) [Col. 2, lines 50 – 57].

It would have been obvious to one of ordinary skill to attach the mirror of Nakamatsu (as modified in accordance with Brown and Wang) to the second end of the pliable frame by way of a ball joint receptacle extending from the second end of the frame structure and cooperating with a ball joint situated at the back of the mirror, in the interest of providing the mirror with total adjustability, as suggested by Shutt. One of ordinary skill would have recognized that while the metal plate (2) of Nakamatsu provides adjustment about the vertical axes of the bends, there would have been somewhat limited adjustability about the horizontal axis. Thus, the provision of a universal joint, such as that of Shutt, would have permitted improved adjustability, and enhanced viewing. One of ordinary skill would have appreciated that improved viewing during operation of a motor vehicle is attended by obvious advantages, such as enhanced safety. Thus, Nakamatsu, Brown, Wang, and Shutt suggest the invention substantially as claimed, but do not disclose the mirror as being *adhesively* attached (*via* the ball-and-socket) at the second end of the frame structure.

In the same field of endeavor, DiSalvatore discloses a mirror for mounting on a vehicle interior, the mirror comprising a ball-and-socket arrangement for adjustability. DiSalvatore discloses adhesive as a convenient means for attaching components (1) and (4) of the ball receptacle with each other, and as a convenient means for attaching these components to a supporting surface.

It would have been obvious to one of ordinary skill to use adhesive to attach the ball receptacle of Nakamatsu (modified as suggested by Brown, Wang, and Shutt) to the frame structure, since Shutt teaches attachment by welding, brazing, or otherwise,

and since DiSalvatore suggests adhesive as a convenient attachment means. One of ordinary skill would have appreciated that the use of an adhesive would have obviated the need for highly skilled or robotic assembly, and thus would have offered the rather obvious advantages of reduced assembly costs.

To the extent that their scope may be understood, claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamatsu, Brown, Wang, Shutt, and DiSalvatore as applied immediately above, and further in view of La Hodny, et al (U.S. Patent number 1,991,363; of record). As set forth above, Nakamatsu, Brown, Wand, Shutt, and DiSalvatore suggest the invention substantially as claimed, including the door-mounted frame structure comprising a mirror adhesively connected via a ball-and-socket joint at the second end of the frame member. However, these references do not disclose the ball as being on the frame structure, with the ball joint receptacle situated at the back of the mirror.

In the same field of endeavor, La Hodny, et al disclose a similar ball-and-socket arrangement (Figs. 7 – 9), wherein the ball joint is provided on the back of the mirror and the ball receptacle is provided on the frame so as to form a universal joint providing complete adjustability of a rear viewing mirror. La Hodny, et al teach that this arrangement is just a reversal of earlier arrangements (Figs. 1 – 6) wherein the ball joint is provided on the frame in cooperating relationship with a ball receptacle mounted on the rear of the mirror (2nd Column on Pg. 2, lines 35+). One of ordinary skill would have

recognized this as fairly teaching the equivalence of the two arrangements for the purpose of providing complete adjustability to a rear-viewing mirror.

Barring any *unexpectedly* improved result arising from the interchange of these elements, it would have been obvious to one of ordinary skill to provide the ball joint of Nakamatsu (modified as suggested by Brown, Wang, Shutt, and DiSalvatore) on the frame's second end and to provide the ball receptacle on the rear of the mirror, since La Hodny, et al fairly teach the equivalence of the two arrangements for providing complete mirror adjustability.

Response to Amendment

Applicant's cancellation of claims 1-10 renders the various prior art rejections thereof moot.

Applicant remarks that the use of a ball joint is known and that this feature has been combined in the first claim. However, the examiner can only infer that Applicant is referring to the recitation of "an attachment means". In light of the "three-prong analysis" (MPEP 2181), claim 11 has been construed as *not* invoking 35 U.S.C. §112, sixth paragraph with regard to the structure corresponding to the "attachment means", until such time as Applicant demonstrates that in fact, it does. In either event, since there is no express definition of the structure corresponding to the attachment means, the associated structure would then turn on what one of ordinary skill would identify as the structure for performing the recited function. In the instant case, the function of attachment may be associated with the simple use of an adhesive, as disclosed, rather

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than particularly being associated with a ball-and-socket connection. See also *Micro Chem., Inc. V. Great Plains Chem. Co., Inc.*, 194 F.3d 1250, 52 USPQ.2d 1258 (Fed. Cir. 1999):

In construing claims drafted in §112, ¶6 form, “[t]he statute does not permit limitation of a means-plus-function claim by adopting a function different from that explicitly recited in the claim. Nor does the statute permit incorporation of structure from the written description beyond that necessary to perform the claimed function.”

The examiner has no reason to construe the attachment means as being associated with the pivoting function of a ball-and-socket connection, since no such function is recited in the claim.

Applicant remarks that “this field appears to be a crowded art therefore any small modification can be granted a patent since there are very little differences between the various patents shown.” However, even assuming that the field of endeavor is indeed “crowded” as alleged, such would not bear on the manner in which the statute is to be applied. See MPEP 706, at “I. UNIFORM APPLICATION OF THE PATENTABILITY STANDARD”.

Applicant is correct in the remark that, of the prior art references applied, “none shows the exact same physical configuration”. However, were it the case that the prior art disclosed the exact same physical configuration, the rejection would have been one of anticipation, rather than obviousness. Evidence that the prior art fails to anticipate the claimed invention is not evidence of non-obviousness, as urged by Applicant.

Applicant remarks that none of the prior art enjoyed any commercial success. However, there is no evidence in support of this allegation. The examiner finds no secondary considerations (such as *unexpectedly* improved results, or commercial

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success attributable to the claimed invention) and no evidence on this record to rebut a finding of *prima facie* obviousness.

The examiner acknowledges Applicant's request for constructive assistance. Unfortunately, the examiner is unable to discern any combination of the disclosed features that would not be regarded as obvious in light of the prior art. For example, Nakamatsu (JP 55-124102 A) disclose the mounting adhesive on either the same side of the frame member as the mirror, or on the opposite side of the frame structure, depending upon the manner in which the frame structure is to be bent and used, and also discloses the frame structure as being a generally flat, metal plate.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an

appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$250.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

The examiner acknowledges Applicant's intention to prosecute this application *pro sé*. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Office cannot aid you in selecting a registered attorney or agent, however, a list of attorneys and agents registered to practice before the U.S. Patent and Trademark Office is available from the USPTO web site, <http://www.uspto.gov>. For assistance locating this information contact the Office of Enrollment and Discipline at (571) 272-4097 or, call the Inventors Assistance Center toll free number, 1(800)786-9199.

A list of recognized Canadian agents can be found from the uspto.gov website by navigating from Patents→Registered patent attorneys & agents→Listing by Geographic Region→Canada (under Foreign and Military Addresses) or at:

<http://www.uspto.gov/web/offices/dcom/olia/oed/roster/region/att-CAN.txt>

Applicant is advised that the Manual of Patent Examining Procedure (MPEP) is available on-line at www.uspto.gov, via the "Patents" link. Click on "Guidance, tools & manuals", under "Guides . . .". The relevant statute (35 U.S.C. _) and rules (37 CFR_) referred to herein may be found at the same web site under "Law and Rules . . .".

Applicant may wish to review MPEP 714, which describes the nature and requirements of a complete response to an Office action.

In June 2004, the USPTO ceased mailing paper copies of cited U.S. patents and U.S. patent application publications with all Office actions. See "USPTO to Provide Electronic Access to Cited U.S. Patent References with Office Actions and Cease Supplying Paper Copies," 1282 O.G. 109 (May 18, 2004). Foreign patent documents and non-patent literature will continue to be provided to the applicant on paper.

All U.S. patents and U.S. patent application publications are available free of charge from the USPTO web site (www.uspto.gov/patft/index.html), for a fee from the Office of Public Records (<http://ebiz1.uspto.gov/oems25p/index.html>), and from commercial sources. Copies are also available at the Patent and Trademark Depository Libraries (PTDLs). A list of the PTDLs may be found on the USPTO web site (www.uspto.gov/web/offices/ac/ido/ptdl/ptdlib_1.html). Additionally, a new feature in the Office's Private Patent Application Information Retrieval system (PAIR), E-Patent Reference, is available for downloading and printing of U.S. patents and U.S. patent application publications cited in U.S. Office Actions.

STEPS TO USE THE E-PATENT REFERENCE FEATURE

Access to Private PAIR is required to utilize E-Patent Reference. If you do not already have access to Private PAIR, the Office urges practitioners and applicants not represented by a practitioner to: (1) obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate; (2) obtain a USPTO customer number; (3) associate all of their pending and new application filings with their customer number; (4) install free software (supplied by the Office) required to access Private PAIR and the E-Patent Reference; and (5) make appropriate arrangements for Internet access.

Questions concerning PAI should be directed to the Office's Electronic Business Center (EBC) at (866) 217-9197 or EBC@uspto.gov.

Instructions for performing the 5 steps:

Step 1: Full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page (www.uspto.gov/ebc/downloads.html). Note that a notarized signature will be required to obtain a digital certificate.

Step 2: To get a Customer Number, download and complete the Customer Number Request form, PTO-SB/125, from the USPTO web site (www.uspto.gov/web/forms/sb0125.pdf). The completed form can be transmitted by facsimile to the Patent Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or agent, your registration number must be associated with your customer number. This association is accomplished by adding your registration number to the Customer Number Request form.

Step 3: A description of associating a customer number with the correspondence address of an application is described at the EBC Web page (www.uspto.gov/ebc/registration_pair.html).

Step 4: The software for electronic filing is available for downloading at www.uspto.gov/ebc. Users can also contact the EFS Help Desk at (703) 305-3028 and

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request a copy of the software on compact disc. Users will also need Adobe Acrobat Reader, which is available through a link from the USPTO web site.

Step 5: Internet access will be required which applicants may obtain through a supplier of their own choice. As images of large documents must be downloaded, high-speed Internet access is recommended.

The E-Patent Reference feature is accessed using a button on the Private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents in Portable Document Format (PDF). The downloaded documents can be viewed and printed using commercially available software, such as ADOBE® READER®. ADOBE® READER® is available free of charge from Adobe Systems Incorporated:

<http://www.adobe.com/products/acrobat/readermain.html>

This Office action sets a 3-month shortened statutory period for response. Extensions of time may be obtained under 37 CFR 1.136(a). In no case may the period for response be extended beyond the six-month statutory period for reply. The fees (e.g., for extensions of time and additional claims) are listed in 37 CFR 1.17(a). However, the manual may not have been updated as to the new fees, which just became effective February 1, 2005. The new fee schedule can be found on the internet at:

<http://www.uspto.gov/main/howtofees.htm>

Applicant is advised that any amendments to the application papers must be made in compliance with 37 CFR 1.121. This revised amendment practice can also be found on the "Patents" web page under "Law and Rules . . ." at "Revised Amendment

Practice". The final rule was also published in Federal Register Vol. 68, no. 125, June 30, 2003 at 38628:

<http://www.uspto.gov/web/offices/com/sol/notices/68fr38611.pdf>

Applicant is reminded that any papers filed related to this application must be properly identified. See MPEP 502 and 37 CFR 1.5.

Applicant is advised that the benefit of timely filing is assured through the "Certificate of Mailing" practice described in 37 CFR 1.6.

USPTO employees are not permitted to initiate communications with applicant via Internet e-mail unless there is a written authorization of record in the patent application by the applicant. Please refer to MPEP 502.03 for a sample authorization form. Communications may be directed to the Office at the discretion of the Applicant. However, without written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A reply to this Office action may NOT be communicated by applicant to the USPTO via Internet e-mail.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Juba whose telephone number is (571) 272-2314. The examiner can normally be reached on Mon.-Fri. 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Drew Dunn whose number is (571) 272-2312 and who can be reached on Mon.- Thu., 9 – 5.

The **new centralized fax phone number** for the organization where this application or proceeding is assigned is (571) 273-8300 for *all* communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.


JOHN JUBA, JR.
PRIMARY EXAMINER
Art Unit 2872

October 13, 2005